

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:) Group Art Unit: 3766
)
PENNER, Avi)
)
Serial No.: 10/632,265) Examiner: Carl H. Layno
)
Filed: July 31, 2003)
)
For: ACOUSTICALLY POWERED)
IMPLANTABLE STIMULATING)
DEVICE)

**DECLARATION UNDER 37 C.F.R. §1.132 REGARDING SUBJECT MATTER
DISCLOSED BUT NOT CLAIMED IN U.S. PATENT NO. 6,198,965**

1. I, Avi Penner, am the sole inventor of the currently pending claims for the above-referenced ("present") patent application, which was filed July 31, 2003.

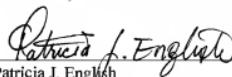
2. I am informed and understand that claims 1, 12, 13, 25, 31, 36, 37, and 39 of the present application have been rejected under 35 U.S.C. § 102(e) for allegedly being anticipated by U.S. Patent No. 6,198,965, of which I am a co-inventor.

3. To the extent that the subject matter recited in claims 1, 12, 13, 25, 31, 36, 37, and 39 of the present application is disclosed but not claimed in U.S. Patent No. 6,198,965, such subject matter disclosed in U.S. Patent No. 6,198,965 was conceived by me and not by another person.

CERTIFICATE OF TRANSMISSION

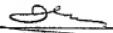
I hereby certify that this paper (along with any referred to as being attached or enclosed) is being transmitted to Mail Stop Amendment, Commissioner for Patents, P.O. BOX 1450, Alexandria, VA 22313-1450 on the date shown below via the USPTO EFS-Web filing system.

January 3, 2007
Date of transmission


Patricia J. English

I declare that all statements made herein of my own knowledge are true and that all statements that are made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001 and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

1.1.2007
Date



Avi Penner